

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN-NORTHERN DIVISION

IN RE:

Case No. 17-20023 DOB
Chapter 13
Hon.DANIEL S. OPPERMAN

BRADFORD DANIEL QUICK
& PENNIE KATHLEEN NELSON-QUICK
Debtors.

TAMARA A. WHITE (P57276)
Attorney for Creditor
bankruptcy@holzmanlaw.com
28366 Franklin Road
Southfield, MI 48034
248/352-4340

JOSHUA M. REINERT (P66185)
Attorney for Debtors
3434 Davenport
Saginaw MI 48602
989/799-8860

**OBJECTIONS TO CONFIRMATION OF
CHAPTER 13 PLAN OF REORGANIZATION**

NOW COMES RENT-A-CENTER, by and through its attorneys, HOLZMAN CORKERY, PLLC, and for its Objections to Confirmation of Chapter 13 Plan, states as follows:

1. That on or about 11/18/2016 the Debtor filed a voluntary Petition for Relief pursuant to 11 U.S.C. Chapter 13.

2. On or about November 19, 2015, Debtor, Pennie Quick, entered into a Rental Purchase Agreement with Rent-A-Center (RAC) by which the Debtor agreed to lease the following items:

A. **Washing machine appliance**, Item No. 0575002147;

B. **Electric range appliance**, Item No.0575002148; and

C. **Extendede Service/extended warranty**, Item No.0575002149

3. On or about December 5, 2015, Debtor, Bradford Quick, entered into a second

Rental Purchase Agreement with Rent-A-Center (RAC) by which the Debtor agreed to lease the following items:

A. **Full size dryer, appliance**, Item No. 057500271;

B. **Television, LED TV**, Item No.057500272; and

C. **Extendede Service/extended warranty**, Item No.057500273

3. The Chapter 13 Plan, as proposed, incorrectly provides treatment of the aforementioned lease obligations as Class 5.2 claims crammed down to the respective values of \$750.00 for the "TV & dryer" and \$500 for the "personal property."

4. Rental Purchase Agreements are controlled by the Michigan Rental-Purchase Agreement Act, M.C.L. 445.951 and per Michigan Law, they are deemed executory contracts. In re Mahoney, 153 B.R. 174.

5. That Debtors have defaulted with the aforementioned lease agreements and pursuant to 11 U.S.C. 365 of the US Bankruptcy Code, the executory contracts must be assumed or rejected.

6. To properly assume the aforementioned contracts, the Debtors must cure or provide adequate assurance that all defaults will be promptly cured as set forth in 11 U.S.C. 365(b). The past due rents are as follows:

A. Washing machine appliance and Electric range appliance with service plan: due for December 15, 2016 and the monthly rental rate is \$122.15, plus late fees and reinstatement fees, applicable taxes and assessments; and

B. Full size dryer appliance and LED TV with service plan: due for December 15, 2016 and the monthly rental rate is \$166.26, plus late fees and reinstatement fees, applicable taxes and assessments.

WHEREFORE, RENT-A-CENTER requests this Court to deny confirmation of the Debtor's Chapter 13 Plan as proposed and require the Debtor to properly schedule the Rental-

Purchase Agreement as as an executory contract to allow for proper assumption or rejection in accordance with 11 U.S.C. 365.

HOLZMAN CORKERY, PLLC

Dated: February 17, 2017

By: /S/ TAMARA A. WHITE (P57276)
Attorney for Creditor
bankruptcy@holzmanlaw.com
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PROOF OF SERVICE

Diane M. Weaver, hereby certifies that on February 17, 2017, she filed the following documents via ECF:

- **Objection to Chapter 13 Plan of Reorganization**
- **Proof of Service**

Which served upon:

THOMAS MCDONALD, Standing Trustee and JOSHUA M. REINERT, ESQ.

Dated: February 17, 2017

/S/ Diane M. Weaver for
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bankruptcy@holzmanlaw.com
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